IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8159 OF 2005

Shri Girish Madhukar Gaikwad ...Applicant.

V/s

The State of Maharashtra
and anr. ...Respondents.

Ms. Pranali Kakade for the applicant.

Mr. A.R. Patil, APP for the State.

Mr. Dhananjay C. Pathak for the original complainant.

ALONG WITH
CRIMINAL APPLICATION NO.91 OF 2006
IN
CRIMINAL APPLICATION NO. 8159 OF 2005

Mr. Girish Madhukar Gaikwad ...Applicant.

V/s

Sr. Inspector of Police
Bundgarden Police Station,
Pune at the instance of
State of Maharashtra ...Respondent.

and

Mr. Veeraswami Subburaj ...Applicant
(Original complainant)

Ms. Pranali Kakade for the applicant

Mr. A.R. Patil, APP for the State.

Mr. Dhananjay C. Pathak for the original complainant.

CORAM: V. M. KANADE, J.
DATE: 27th February, 2006.

P.C.

1. Heard the learned Counsel for the applicant, the learned Counsel for respondent no.2 and the learned APP for the State.

2. This is an application for anticipatory bail. It is alleged that the applicant gave false assurances to the complainant and others that on payment of certain amount, he would secure a job for this complainant and others. However, after having received the amount, he did not fulfil the assurance which was given and, therefore, a complaint was filed by respondent No.2 for the offence punishable under section 420 of the Indian Penal Code.

3. The learned Counsel for the applicant has submitted that the applicant has paid the entire amount which he had received to the complainant. The learned Counsel for respondent no.2 submits that the complainant has, so far, received an amount of Rs 97,000/- from the applicant. He submits that the applicant has deposited a demand draft which has been issued in favour of the applicant - complainant and it is kept with Bundgarden Police Station, Pune. He states that the said demand draft may be handed over to respondent No.2.

4. Since the amount which was paid to the applicant has been returned by him to the complainant, in my view, this is a fit case for grant of an anticipatory bail. In the event of the arrest of the applicant in connection with C.R. No. 579 of 2005 registered at Bundgarden Police Station, Pune for an offence punishable under sections 420 and 406 of the Indian Penal Code, he may be released on bail in the sum of Rs 10,000/- with one or two sureties in the like amount. The Bundgarden Police Station, Pune to handover the demand draft which is given by the applicant in favour of the respondent no.2 forthwith. The applicant shall cooperate with the Investigating Officer and shall report to the Bundgarden Police Station as and when called. The Investigating Officer may call the applicant during reasonable hours between 11.00 a.m. to 5.00 p.m.

5. With the above directions Criminal Application No. 8159 of 2005 is disposed of. In view of disposal of the Criminal Application No. 8159 of 2005, Criminal Application No. 91 of 2006 does not survive and the same is disposed of accordingly.

V.M. KANADE, J.